

**KAYE SCHOLER** LLP

DOCKET FILE COPY ORIGINAL

The McPherson Building  
901 Fifteenth Street, NW  
Washington, DC 20005  
202 682-3500  
Fax 202 682-3580  
www.kayescholer.com

Allan G. Moskowitz  
202 682-3501  
Fax 682-3580  
amoskowitz@kayescholer.com

DOCKET FILE COPY ORIGINAL

October 4, 2004

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 - 12th Street, SW  
Washington, DC 20554

**RECEIVED**

OCT - 4 2004

Federal Communications Commission  
Office of Secretary

Re: MB Docket NO. 03-231  
RM-10818  
Mt. Union, Huntingdon, Centre Hall and  
South Williamsport, Pennsylvania

Dear Ms. Dortch:

On behalf of Megahertz Licenses, LLC, we are herewith submitting an original and four copies of its "Petition for Leave to Accept Amendment to Comments and Amendment to Comments" in the above-referenced proceeding.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE SCHOLER LLP

By 

Allan G. Moskowitz

AGM/lis

Enclosure

No. of Copies rec'd at 4  
List ABCDE

13067924.WPD

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

**RECEIVED**

OCT - 4 2004

In the Matter of	)	Federal Communications Commission
	)	Office of Secretary
Amendment of Section 73.202(b),	)	MB Docket No. 03-231
Table of Allotments	)	RM-10818
FM Broadcast Stations.	)	
(Mt. Union, Huntingdon, Centre	)	
Hall and South Williamsport,	)	
Pennsylvania)	)	

To: Assistant Chief  
Audio Division

**PETITION FOR LEAVE TO ACCEPT  
AMENDMENT TO COMMENTS**

Megahertz Licenses, LLC ("Megahertz" or "Petitioner"), licensee of Radio Stations WWLY(FM), Huntingdon, Pennsylvania and WXMJ(FM), Mt. Union, Pennsylvania, by its attorney, respectfully petitions the Commission for leave to accept the attached "Amendment to Comments" in the above-referenced proceeding as a result in a change of the Commission's allocations policy. In support thereof, the following is respectfully shown:

1. Megahertz's original "Petition for Rulemaking", filed on January 3, 2003 proposed the reallocation of Channel 292A from Huntingdon, Pennsylvania to Mt. Union, Pennsylvania and the modification of the license of Radio Station WWLY(FM) accordingly, the substitution of Channel 258B1 for Channel to 258A at Mt. Union, Pennsylvania, the reallocation of the channel to Centre Hall, Pennsylvania and the modification of the license of Radio Station WXMJ(FM) accordingly. The proposal necessitated the modification of the allocation reference coordinates of Radio Station WZXR(FM), South Williamsport, Pennsylvania operating on

Channel 257A. Consequently, the Petitioner included a letter of consent signed by the President of the licensee of WZXR(FM) granting that licensee's consent to the modification of reference coordinates. The Commission released its Notice of Proposed Rulemaking ("NPRM"), DA03-3552 in this proceeding on November 14, 2003. On January 5, 2004, the Petitioner filed its "Comments" in support of its proposal.

2. Dame Broadcasting, LLC ("Dame"), parent company of five Pennsylvania radio stations, submitted "Comments" and "Reply Comments" in the instant proceeding. Dame argued that the Petitioner had failed to establish Centre Hall as a community for allotment purposes or that it was sufficiently distinct from State College to justify a first local service preference under the Commission's FM allotment proprieties. Further, Dame requested that if the Commission determined that Centre Hall is a community for allotment purposes, the Commission should allow Dame a "Centre Hall-Boalsburg" dual-city allotment. The Petitioner's "Supplemental Comments and Reply", filed on January 20, 2004, responded to Dame's allegations and alternative proposal.

3. However, on September 20, 2004, the Commission released its Report and Order, DA04-2908, in Gunnison, Crawford, and Olathe, Breckenridge, Eagle Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado and Laramie, Wyoming. ("Gunnison") which, at paragraph 5, for the first time ruled that the Commission will not accept "proffers of hypothetical site relocations to change reference points for licensed stations" in rulemaking proceedings even with the agreement of the proposed licensee as Petitioner had proposed in the instant proceeding with respect to Radio Station WZKR(FM), South Williamsport, Pennsylvania. The Gunnison unexpectedly and without notice changed a long-standing Commission allocation policy and

would necessarily result in the dismissal of the Megahertz's proposal and termination of the proceeding.

4. Consequently, Petitioner expeditiously (in less than 14 days) prepared an Amendment to its pending rulemaking proposal which eliminates any reliance on the change of the reference coordinates of Radio Station WZXR(FM), and instead proposes, inter alia, that Channel 258A be reallocated from Mt. Union, Pennsylvania to Centre Hall, Pennsylvania as that community's first local service and that Radio Station WXMJ's license be modified accordingly.

5. Petitioner had absolutely no notice (nor suspicion) that the Commission staff would unexpectedly reverse years of Commission precedent and policy, upon which Megahertz had innocently relied, by refusing to allow alternate allotment reference sites for stations with licensed transmitter sites. The Commission's totally unforeseen action was beyond the control of the Petitioner and would, absent an Amendment to the instant proposal, result in the dismissal of the petition. Consequently, Petitioner submits that exceptional circumstances exist for acceptance of the instant Amendment. Cf. Julian, California, 102 FCC 2d 27, 57 RR 2nd 1325 (1985).

6. Furthermore, no party would be harmed by acceptance of the Amendment. Petitioner's proposal is essentially identical to that presently pending except that it no longer relies on the proposed transmitter site change of Radio Station WZXR(FM), South Williamsport, Pennsylvania and, therefore, no longer relies on the alternate allotment reference site for WZXR(FM). Further, the gain and loss areas, other services study and population data submitted in the original proposal are only slightly changed in the amended proposal. Additionally, the proposed allotment reference coordinates for Channel 258A at Centre Hall are now proposed at the Centre Hall community's reference coordinates. Finally, Petitioner proposes that Channel

258A be reallocated from Mt. Union, Pennsylvania to Centre Hall, Pennsylvania and remain a Class A Channel rather than be upgraded to a Class B1 Channel. Petitioner still proposes to reallocate Channel 292A from Huntingdon, Pennsylvania to Mt. Union, Pennsylvania and Channel 258A from Mt. Union to Centre Hall, Pennsylvania and to modify the licenses of Radio Stations WWLY(AM) and WXMJ(FM) accordingly, albeit the channel at Centre Hall will remain a Class A. Further, Petitioner still proposes service to a gray area, i.e., an area with presently only one aural service containing a population of 1,844 persons, and still proposes a first local service for Centre Hall, Pennsylvania. Consequently, the Amendment makes no significant changes to the proposal. It is extremely unlikely that the proposal, as amended, would have attracted any comment or commentators different from that which have already filed in the proceeding. The only commentator in the proceeding, Dame, will not be prejudiced in that the basis of its "Comments", i.e., that Centre Hall is a non-community for allotment purposes and Dame's alternative proposal of the dual-city allotment, would be unchanged. Therefore, neither the parties to the proceeding, nor any one else, would be harmed or disadvantaged by acceptance of the Amendment. Cf. Julian, California, supra.

7. The public interest demands acceptance of the attached Amendment. The Petitioner's proposal still would provide a second reception service to a significant gray area and a first local service to Centre Hall, Pennsylvania, both of which are important allotment priorities pursuant to Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

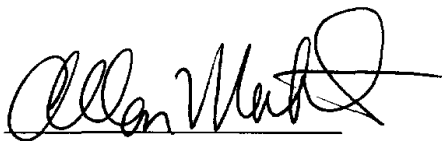
Moreover, the proposal will result in a total gain area of 1,828 square kilometers and a net population gain of 114,046 persons and a net total of 10,187 persons in a presently underserved area will gain a new aural service. Consequently, the public interest would be well served by the acceptance of the attached Amendment and the retention of the instant proceeding.

8. Administrative efficiency also militates for acceptance of the Amendment. Petitioner filed its initial "Petition for Rulemaking" on January 3, 2003. Its proposal has been pending for 19 months. If dismissed, Petitioner could refile its "Petition" as amended, but it will have lost nearly two years. If this proceeding is terminated as a result of the Commission's decision in Gunnison, supra, this would not only be unfair to the Petitioner and Dame, who would also likely have to refile its "Comments", but it would be a complete waste of the Commission's resources as all of the staff's engineering and legal analysis would have to be reassigned and duplicated. Considering the recognized backlog presently plaguing the allocation processing system, as evidenced by the many filings in RM No. 10960, the dismissal of the instant proposal would, in the end, merely generate more backlog and additional burdens on the staff. Acceptance of the instant Amendment would be administratively expedient. Finally, dismissal would be a disservice to the local listening population, i.e., those over 1800 individuals who would finally receive a second service and Centre Hall which would finally receive a first local service.

WHEREFORE, for the foregoing reasons, Megahertz Licenses, LLC respectfully requests that the Commission grant its Petition for Leave to Accept Amendment to Comments in the above-referenced proceeding and accept the attached Amendment.

Respectfully submitted,

MEGAHERTZ LICENSES LLC

By: 

Allan G. Moskowitz  
Its Attorney

KAYE SCHOLER LLP  
901 15th Street, N.W., Suite 1100

Washington, D.C. 20005  
(202) 682-3500

October 4, 2004

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 03-231
Table of Allotments	)	RM-10818
FM Broadcast Stations.	)	
(Mt. Union, Huntingdon, Centre	)	
Hall and South Williamsport,	)	
Pennsylvania)	)	

To: Assistant Chief  
Audio Division

**AMENDMENT TO COMMENTS**

Megahertz Licenses, LLC ("Megahertz" or "Petitioner") licensee of Radio Stations WWLY(FM), Huntingdon, Pennsylvania and WXMJ(FM), Mt. Union, Pennsylvania, by its attorney, respectfully submits an Amendment to its "Comments" filed on January 5, 2004 (and necessarily its "Supplement to Comments and Reply", filed on January 20, 2004) in the above-referenced Docket. In support thereof, the following is respectfully shown:

1. Megahertz's original Petition for Rulemaking, filed January 3, 2003, proposed the reallocation of Channel 292A from Huntingdon, Pennsylvania to Mt. Union, Pennsylvania and the modification of Radio Station WWLY(FM)'s license, accordingly; the substitution of Channel 258B1 for Channel to 258A at Mt. Union, Pennsylvania and the reallocation of the channel to Centre Hall, Pennsylvania and the modification of Radio Station WXMJ(FM) accordingly. The proposal necessitated the modification of the allocation reference coordinates of Radio Station WZXR(FM), South Williamsport, Pennsylvania operating on Channel 257A. Consequently, the Petitioner included a letter of consent signed by the President of the licensee of



WZXR(FM) granting that licensee's consent to the modification of reference coordinates. The Commission released its Notice of Proposed Rulemaking ("NPRM"), DA03-3552, in the proceeding on November 14, 2003. Petitioner filed "Comments" on January 5, 2004 and "Supplement to Comments and Reply" on January 20, 2004 and Dame Broadcasting, LLC ("Dame") also submitted "Comments" and "Reply Comments" in the instant proceeding.

2. However, on September 20, 2004 the Commission released a Report and Order, DA04-2908, in Gunnison, Crawford, and Olathe, Breckenridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado and Laramie, Wyoming. ("Gunnison") which, at paragraph 5, for the first time ruled that the Commission will not accept "proffers of hypothetical site relocations to change reference points for licensed stations" in rulemaking proceedings, even with the agreement of the proposed licensee as Petitioner had proposed in the instant proceeding with respect to Radio Station WZKR(FM), South Williamsport, Pennsylvania. Gunnison, supra unexpectedly and without notice changed a long standing Commission allocation policy upon which Petitioner innocently relied. Further, the Commission's new policy would necessarily result in the dismissal of the instant proposal.

3. As a result, the Petitioner is submitting this "Amendment" to its previously submitted "Comments" to change its proposal to instead propose, inter alia, the substitution of Channel 258A from Mt. Union, Pennsylvania to Centre Hall, Pennsylvania and the modification of Radio Station WXMJ(FM) accordingly. The Amendment specifically eliminates the necessity for WZXR(FM), South Williamsport, Pennsylvania (Channel 257A) to change its transmitter site and the instant amended proposal is fully spaced to the licensed WZXR(FM) transmitter site.

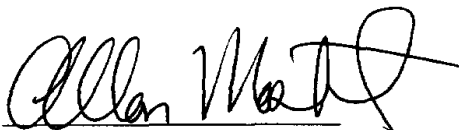
4. Attached hereto is the "Engineering Statement" of William J. Getz of Carl T. Jones Corporation which provides the amended proposal and updates the public interest data

submitted with the original "Petition for Rulemaking" and the gain and loss studies submitted in Megahertz's "Comments" and "Supplemental Comments and Reply". Finally, Megahertz respectfully requests that its previously filed "Comments" and "Supplement to Comments and Reply" be incorporated by reference.

WHEREFORE, Megahertz Licenses, LLC hereby amends its previously filed "Comments" in the above-referenced Docket.

Respectfully submitted,

MEGAHERTZ LICENSES LLC

By: 

Allan G. Moskowitz  
Its Attorney

KAYE SCHOLER LLP  
901 15th Street, N.W., Suite 1100  
Washington, D.C. 20005  
(202) 682-3500

October 4, 2004



**STATEMENT OF WILLIAM J. GETZ  
IN SUPPORT OF AN AMENDMENT IN  
MB DOCKET NO. 03-231, RM-10818**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Megahertz Licenses, LLC, ("Petitioner") to prepare this statement in support of an Amendment in MB Docket No. 03-231. The Petitioner filed the a Petition to Amend the FM Table of Allotments on January 3, 2003. On November 14, 2003, the Media Bureau issued a Notice of Proposed Rulemaking ("NPRM") in response to the Petitioner's Petition to Amend the FM Table of Allotments. The Petitioner's proposed arrangement of allotments as follows:

	<u>Present</u>	<u>Originally Proposed</u>	<u>Amended</u>
Mount Union, PA	258A	292A	292A
Huntingdon, PA	278A, 292A	278A	278A
Centre Hall, PA	----	258B1	258A

In Comments, the Petitioner submitted further details (requested by the NPRM) regarding the gain and loss that each individual existing service area would experience if the changes proposed in the petition were adopted. In Reply Comments, the Petitioner responded to technical issues raised in an Opposition filed during the Comment period.

STATEMENT OF WILLIAM J. GETZ  
PAGE 2

In order to specify a fully-spaced allotment reference site for the originally proposed Class B1 allotment, the licensee of first-adjacent channel station WZXR(FM), South Williamsport, PA, (Channel 257A), agreed to transmitter site change. This purpose of this amendment is to change the proposed Centre Hall, PA, allotment from Channel 258B1 to Channel 258A. The Class A allotment at Centre Hall proposed herein is fully-spaced to the licensed WZXR(FM) transmitter site. Accordingly, WZXR(FM)'s consent to relocate its transmitter site is now moot and the instant amendment removes any contingencies with respect to WZXR(FM).

This amendment is necessary due to the Media Bureau's recent decision MB Docket No. 03-144. By Report and Order, *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gunnison, Crawford, and Olathe, Breckenridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado, and Laramie, Wyoming)*, MB Docket No. 03-144, Adopted September 15, 2004, Released September 20, 2004, the Media Bureau reversed years of precedent by refusing to allow alternate allotment reference sites for stations with licensed transmitter sites. In light of this decision, the Petitioner no longer relies on the alternate allotment reference site advanced in the original Petition for Rulemaking for WZXR(FM), South Williamsport, PA.

The public interest data (gain and loss areas, other services studies, population data) submitted thus far in this proceeding changes only slightly due to the amended proposal at Centre Hall. All the public interest studies have been updated to reflect the changes proposed herein. Exhibits which were updated, are attached hereto and dated

STATEMENT OF WILLIAM J. GETZ  
PAGE 3

September, 2004. Where the Exhibit (or Table) is not affected by the proposed change at Centre Hall, that Exhibit is attached with a note indicating such. Any Exhibit involving WZXR(FM), South Williamsport, PA, has been omitted because WZXR(FM) is no longer involved in this proceeding.

Amended Centre Hall, PA, Proposal

Channel 258A, Centre Hall, PA, in lieu of Channel 258A, Mount Union, PA

An engineering study of all pertinent allotments, assignments and applications revealed that WXMJ(FM), Mount Union, PA, (Channel 258A) can be relocated and reallocated to Centre Hall, Pennsylvania, as the community's first local service.

The proposed allotment reference coordinates for Channel 258A at Centre Hall are the same as the Centre Hall community reference coordinates: **40° 50' 50" N.L. and 77° 41' 10" W.L.**. Therefore, the proposed allotment can be added with no site restriction. The Centre Hall allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC rules.

Channel 292A, Mount Union, PA, in lieu of Channel 292A, Huntingdon, PA (No Change)

An engineering study of all pertinent allotments, assignments and applications revealed that WWLY(FM), Huntingdon, PA, (Channel 292A) can be reallocated to Mount Union, Pennsylvania, to preserve local service with a site restriction of 14.5 kilometers.

The allotment reference coordinates for Channel 292A at Mount Union are unchanged, **40° 15' 18" N.L. and 77° 51' 41" W.L.** The Mount Union allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC rules.

#### Public Interest Studies

This material updates the public interest data submitted with the original Petition for Rulemaking and also updates the gain and loss studies submitted in Comments. Exhibit A depicts the gain and loss areas associated with the proposed arrangement of allotments. Exhibit B depicts the other aural services available to the gain and loss areas. Table A provides details of the gain and loss areas.

Exhibit 1 through Exhibit 3 are maps which depict the present and proposed primary service circle for each existing service affected by the Petitioner's proposed changes. The maps depict the proposed gain and loss area for each individual proposal and the other aural services available to the gain and loss areas. Associated with each Exhibit is a Table (Table 1 through Table 3) which contains the population details for the gain and loss areas requested by the NPRM. Further, as requested by the NPRM, Exhibit 3 (and the associated Table 3) contains the gain and loss information for Mount Union which compares the existing service area of Channel 258A to the proposed Channel 292A service area.

STATEMENT OF WILLIAM J. GETZ  
PAGE 5

The proposed relocation and reallocation of WWLY(FM) will continue to provide 1,844 persons with a second full-time service. This fact is unchanged by the amendment. Therefore the Petition maintains its FM Allotment Priority 2 preference. Because the Petition continues to specify a first local service for Centre Hall, PA, the Petition also earns a Priority 3 preference. In light of the preferences earned under FM allotment Priorities 2 and 3, the Petition must be preferred over any public interest matters raised under FM allotment Priority 4.

Even with the proposed amendment, other public interest matters are still overwhelmingly in favor of the Petitioner's proposed arrangement of allotments: a total *gain area* of 1,828 km<sup>2</sup>, a *net population gain* of 114,646 persons and a net total of 10,187 persons in a presently underserved area *will gain* a new aural service with the adoption of the changes proposed in the amended Petition.

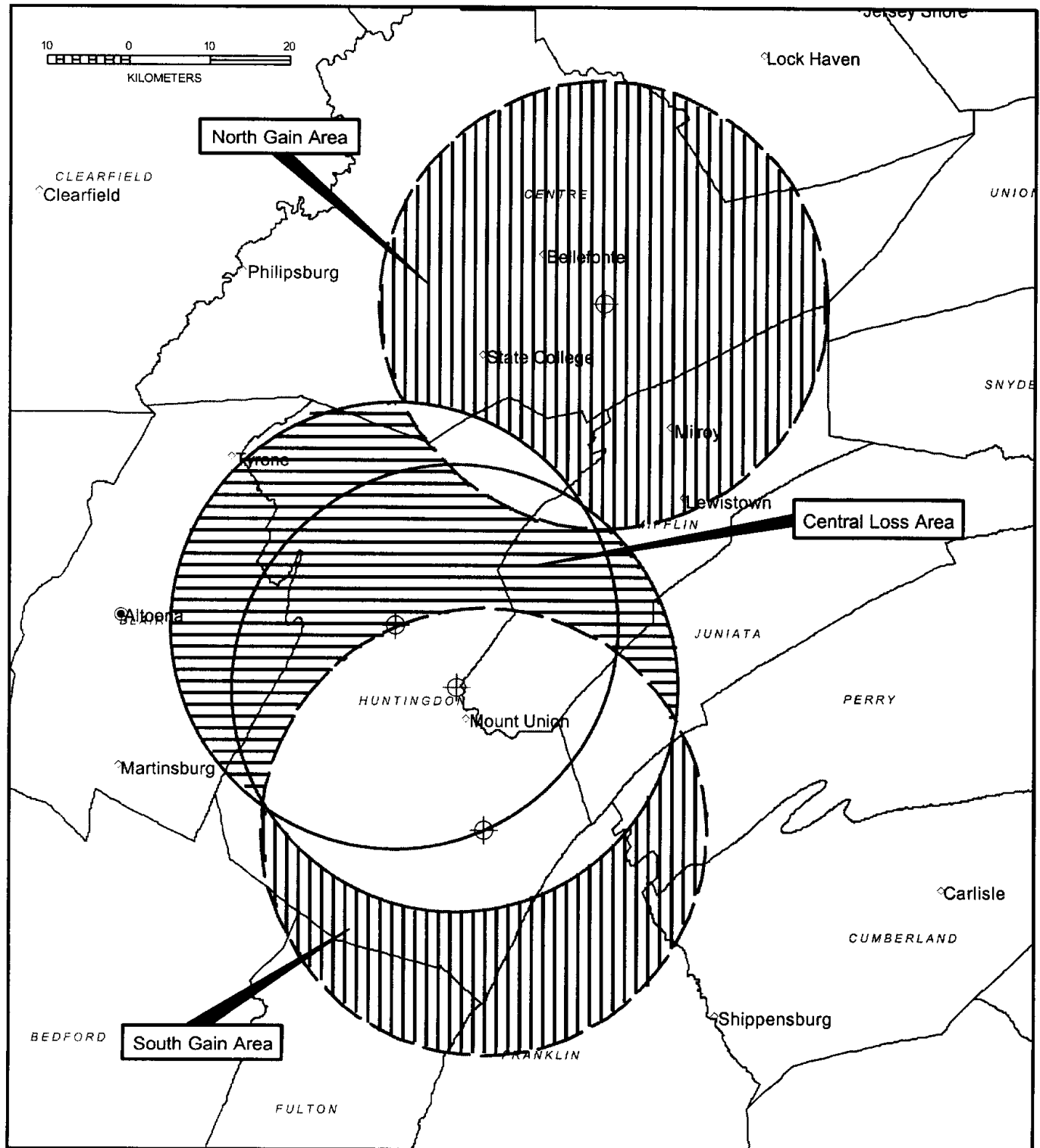
This statement and the supporting exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: September 29, 2004

  
William J. Getz

Subject Stations 60 dBu Circles (28 km radius):  
 WXMJ Present Mt. Union Ch. 258A = Heavy Red Solid  
 WXMJ Proposed Centre Hall Ch. 258A = Heavy Red Dashed  
 WWLY Present Huntingdon Channel 292A = Heavy Green Solid  
 WWLY Proposed Mt. Union Channel 292A = Heavy Green Dashed

EXHIBIT A



PROPOSED RULEMAKING  
 GAIN AND LOSS AREAS  
 SEPTEMBER, 2004

**CARL T. JONES**  
 CORPORATION



Subject Stations 60 dBu Circles:

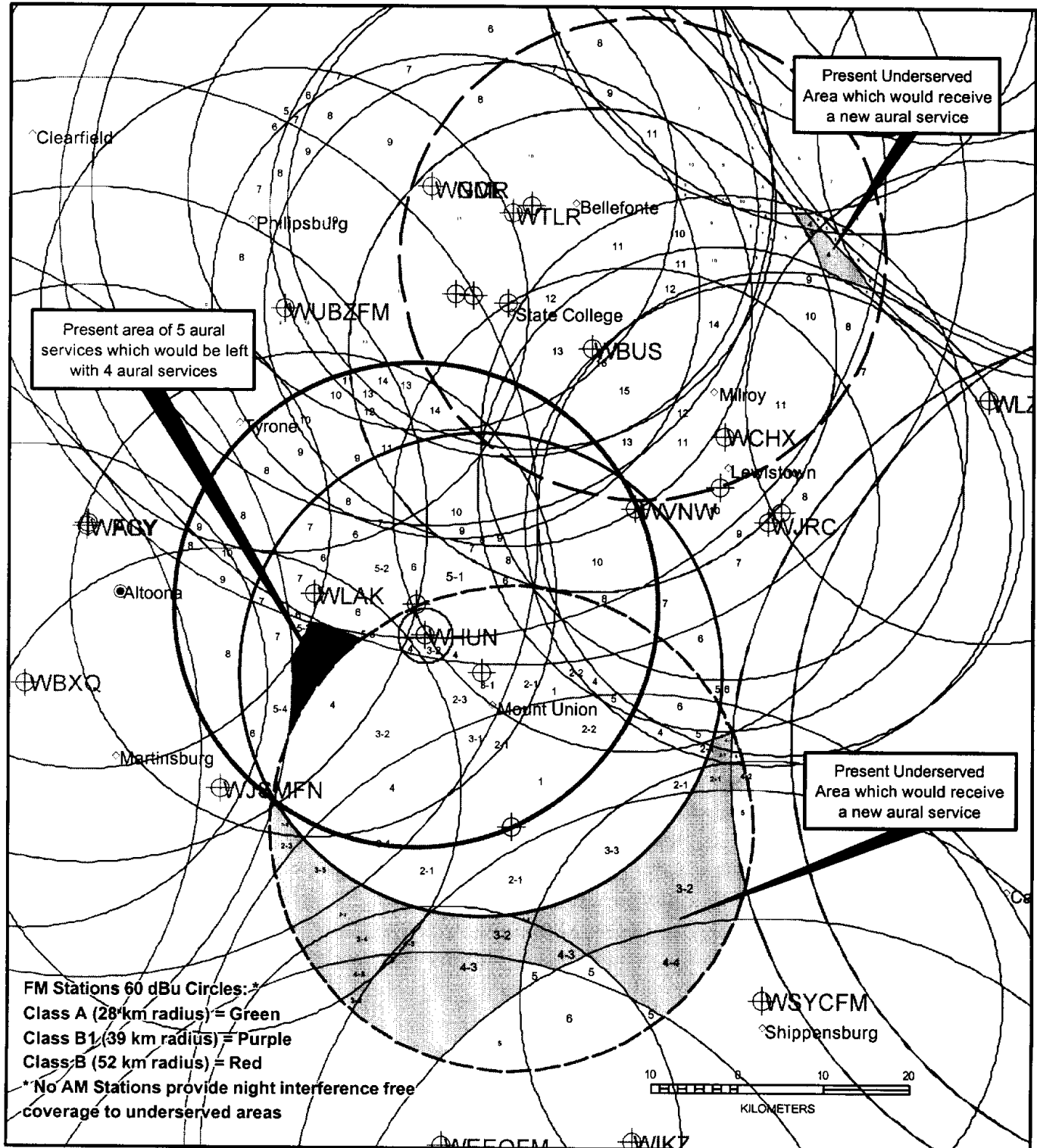
WXMJ Present Mt. Union Ch. 258A = Heavy Purple Solid

WXMJ Proposed Centre Hall Ch. 258A = Heavey Purple Dashed

WWLY Present Huntingdon Channel 292A = Heavy Red Solid

WWLY Proposed Mt. Union Channel 292A = Heavy Red Dashed

EXHIBIT B



OTHER AURAL SERVICES  
AVAILABLE TO WXMJ AND WWLY  
GAIN AND LOSS AREAS  
SEPTEMBER, 2004

CARL T. JONES  
CORPORATION

**Public Interest Showing Summary  
Proposed Rulemaking  
September, 2004**

**WXMJ, Mount Union to Centre Hall and WWLY, Huntingdon to Mount Union**

**Combined Gain and Loss Areas created by reallocation, change in reference coordinates  
at WXMJ and reallocation and change in reference coordinates of WWLY**

<u>Minimum Number of Aural Services Available</u>	<u>Maximum Number of Aural Services Available</u>	<u>Description of Area Under Study See Maps - Exhibit A &amp; B</u>	<u>Area (km<sup>2</sup>)</u>	<u>Population 2000 Census</u>
3 [N]	16	North Gain Area	2,283	138,907
1 [S]	6	South Gain Area	990	12,659
4 [C]	14	Central Loss Area	1,445	36,920

\* Note all of the gain and loss areas are well-served (5 or more aural services) except the areas indicated above with [N], [S] and [C]. Further details pertaining to these areas are contained below.

[N] : In the North Gain Area WXMJ will be either a 4th or 5th aural service to an area of 27 km<sup>2</sup> which contains a population of 561 persons.

[S] : In the South Gain Area WWLY will be either a 2nd, 3rd, 4th or 5th aural service to an area of 793 km<sup>2</sup> which contains a population of 11,000 persons.

[C] : In the Central Loss Area the proposed arrangement of allotments will create a new underserved area of 42 km<sup>2</sup>, containing a population of 1,374 persons, where 4 aural services will be left.

**Public Interest Showing Summary  
Proposed Rulemaking  
September, 2004**

**Net Gain Area and Loss Area Statistics**

Total Gain Area	=	3,273	km <sup>2</sup>
Total Loss Area	=	1,445	km <sup>2</sup>
<b>NET</b>	<b>=</b>	<b>1,828</b>	<b>km<sup>2</sup> GAIN AREA</b>

---

Total Population in Gain Area	=	151,566	persons
Total Population in Loss Area	=	36,920	persons
<b>NET</b>	<b>=</b>	<b>114,646</b>	<b>Population GAINED</b>

---

Total Underserved Area which will receive a new aural service	=	820	km <sup>2</sup>
New Underserved Area	=	42	km <sup>2</sup>
<b>NET</b>	<b>=</b>	<b>778</b>	<b>km<sup>2</sup> Underserved Area which will GAIN an aural service</b>

---

Total population in underserved area which will receive a new aural service	=	11,561	persons
Total population in new underserved area	=	1,374	persons
<b>NET</b>	<b>=</b>	<b>10,187</b>	<b>persons in Underserved Area will GAIN an aural service</b>

Subject Stations 60 dBu Circles:

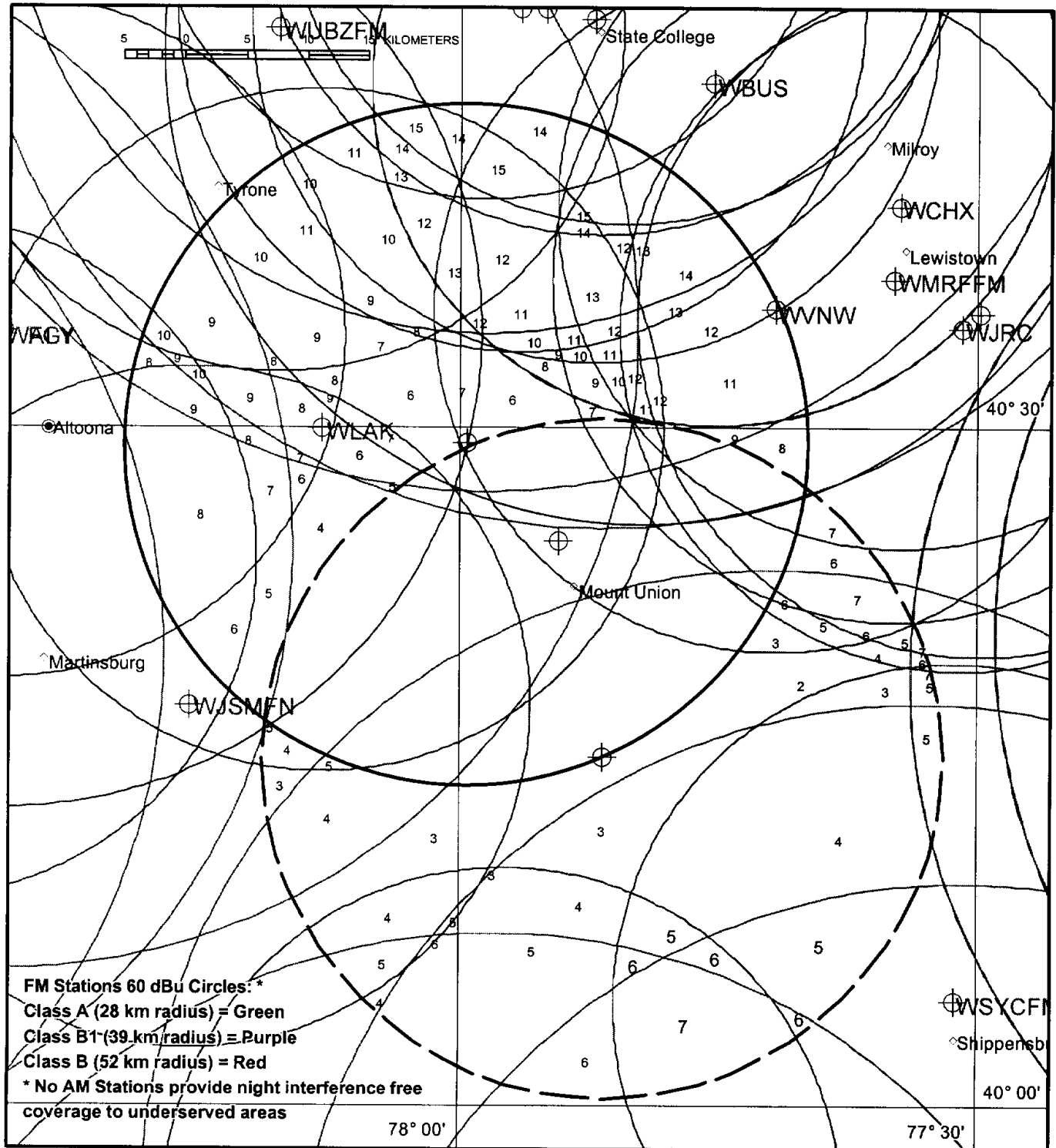
Present: Black Solid

Proposed: Black Dashed

Number of available aural services indicated  
in gain area and loss area.

EXHIBIT 1

September, 2004 (Exhibit unchanged)



WWLY GAIN/LOSS AREA & OTHER SERVICES  
PRESENT: HUNTINGTON, PA (292A)  
PROPOSED: MOUNT UNION, PA (292A)  
DECEMBER, 2003

CARL T. JONES  
CORPORATION

**TABLE 1**

September, 2004 (Exhibit unchanged)

**WWLY(FM) GAIN AND LOSS AREA DETAILS**

PRESENT : WWLY(FM), HUNTINGTON, PA (CHANNEL 292A)  
40-29-11 N.L. 77-59-35 W.L. (NAD-27)  
PROPOSED: WWLY(FM), MOUNT UNION, PA (CHANNEL 292A)  
40-15-18 N.L. 77-51-41 W.L. (NAD-27)

<b>GAIN AREA (km<sup>2</sup>)</b>	<b>GAIN AREA POPULATION (2000 Census)</b>	<b>LOSS AREA (km<sup>2</sup>)</b>	<b>LOSS AREA POPULATION (2000 Census)</b>
<u>1,497</u>	<u>18,651</u>	<u>1,497</u>	<u>39,183</u>

**GAIN AREA POPULATION DETAILS**

Number of Persons which would gain a:

<u>1st Service</u>	<u>2nd Service</u>	<u>3rd Service</u>	<u>4th Service</u>	<u>5th Service</u>
<u>0</u>	<u>1,844</u>	<u>3,152</u>	<u>5,659</u>	<u>5,637</u>

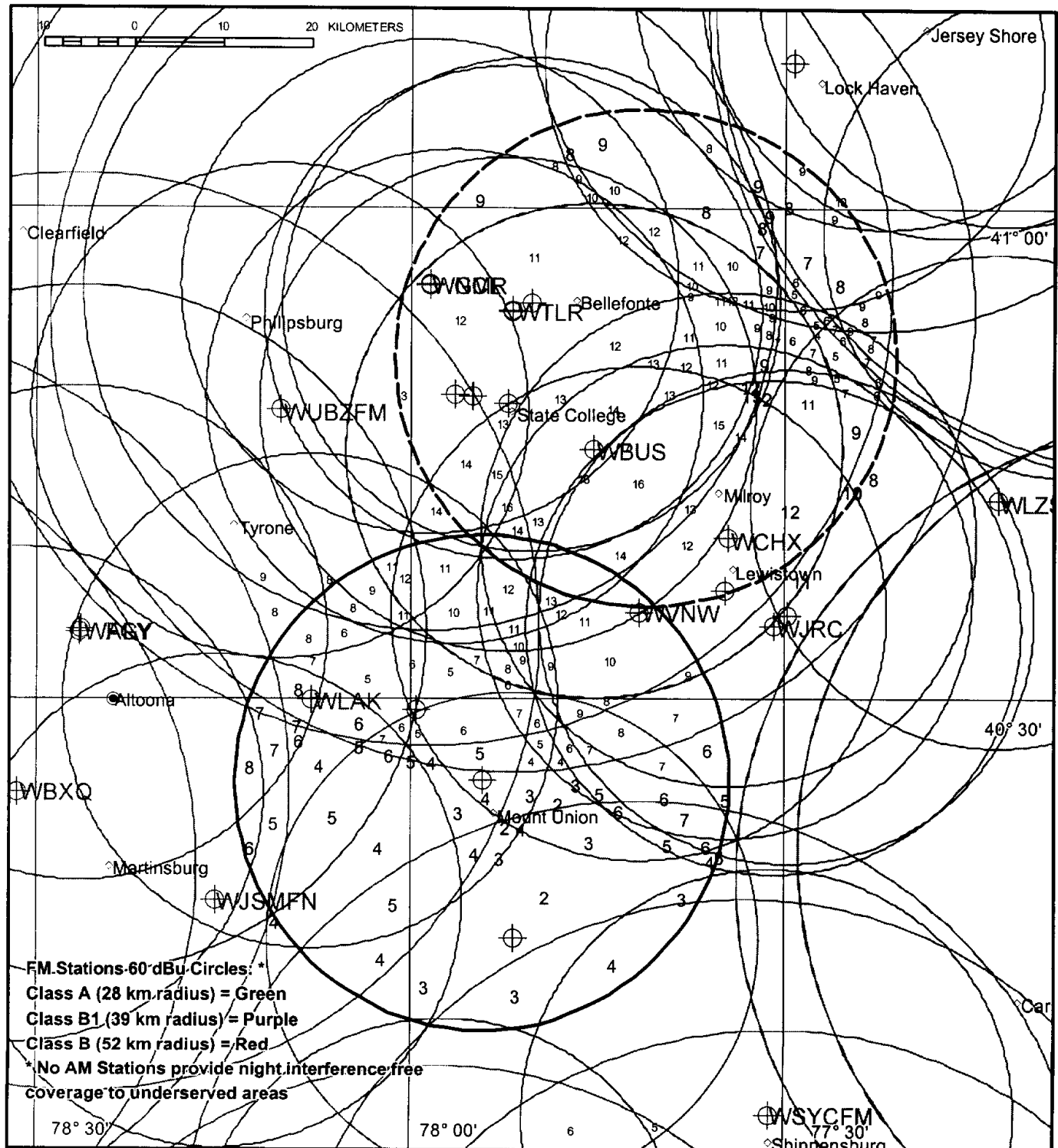
**LOSS AREA POPULATION DETAILS**

Number of Persons which would be left with:

<u>0 Services</u>	<u>1 Service</u>	<u>2 Services</u>	<u>3 Services</u>	<u>4 Services</u>
<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1,374</u>

Number of available aural services indicated in gain area and loss area.

Amended, September, 2004



**WXMJ GAIN/LOSS AREA & OTHER SERVICES**  
**PRESENT: MOUNT UNION, PA (258A)**  
**PROPOSED: CENTRE HALL, PA (258A)**  
**SEPTEMBER, 2004**

**CARL T. JONES**  
**CORPORATION**

**TABLE 2**

Amended, September, 2004

**WXMJ(FM) GAIN AND LOSS AREA DETAILS**

PRESENT : WXMJ(FM), MOUNT UNION, PA (CHANNEL 258A)

40-24-53 N.L. 77-54-13 W.L. (NAD-27)

PROPOSED: WXMJ(FM), CENTRE HALL, PA (CHANNEL 258A)

40-50-50 N.L. 77-41-10 W.L. (NAD-27)

<b>GAIN AREA (km<sup>2</sup>)</b>	<b>GAIN AREA POPULATION (2000 Census)</b>	<b>LOSS AREA (km<sup>2</sup>)</b>	<b>LOSS AREA POPULATION (2000 Census)</b>
<u>2,425</u>	<u>141,579</u>	<u>2,425</u>	<u>52,376</u>

**GAIN AREA POPULATION DETAILS**

Number of Persons which would gain a:

<u>1st Service</u>	<u>2nd Service</u>	<u>3rd Service</u>	<u>4th Service</u>	<u>5th Service</u>
<u>0</u>	<u>0</u>	<u>0</u>	<u>37</u>	<u>524</u>

**LOSS AREA POPULATION DETAILS**

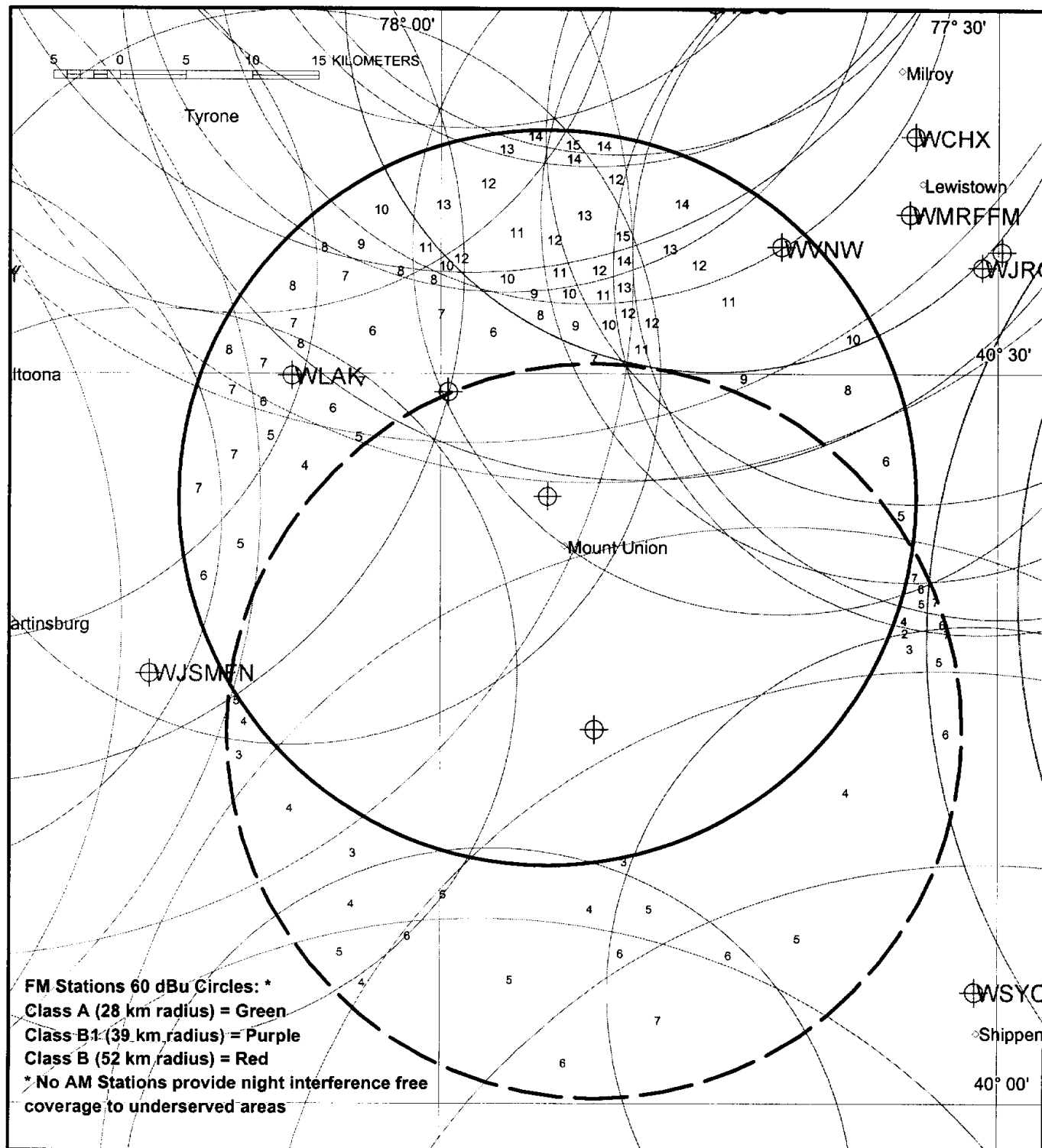
Number of Persons which would be left with:

<u>0 Services</u>	<u>1 Service</u>	<u>2 Services</u>	<u>3 Services</u>	<u>4 Services</u>
<u>0</u>	<u>0</u>	<u>3,647</u>	<u>7,261</u>	<u>6,059</u>

Subject Stations 60 dBu Circles:  
 Present: Black Solid  
 Proposed: Black Dashed  
 Number of available aural services indicated  
 in gain area and loss area.

**EXHIBIT 3**

September, 2004 (Exhibit unchanged)



**MOUNT UNION, PA GAIN/LOSS AREA & OTHER SERVICES**  
**PRESENT: MOUNT UNION, PA (258A)**  
**PROPOSED: MOUNT UNION, PA (292A)**  
**DECEMBER, 2003**

**CARL T. JONES**  
 CORPORATION



**TABLE 3**

September, 2004 (Exhibit unchanged)

**MOUNT UNION, PA, GAIN AND LOSS AREA DETAILS**

PRESENT : CHANNEL 258A  
40-24-53 N.L. 77-54-13 W.L. (NAD-27)  
PROPOSED: CHANNEL 292A  
40-15-18 N.L. 77-51-41 W.L. (NAD-27)

<b>GAIN AREA (km<sup>2</sup>)</b>	<b>GAIN AREA POPULATION (2000 Census)</b>	<b>LOSS AREA (km<sup>2</sup>)</b>	<b>LOSS AREA POPULATION (2000 Census)</b>
<u>987</u>	<u>12,564</u>	<u>987</u>	<u>32,665</u>

**GAIN AREA POPULATION DETAILS**

Number of Persons which would gain a:

<u>1st Service</u>	<u>2nd Service</u>	<u>3rd Service</u>	<u>4th Service</u>	<u>5th Service</u>
0	0	580	4,730	5,460

**LOSS AREA POPULATION DETAILS**

Number of Persons which would be left with:

<u>0 Services</u>	<u>1 Service</u>	<u>2 Services</u>	<u>3 Services</u>	<u>4 Services</u>
0	0	0	0	1,374

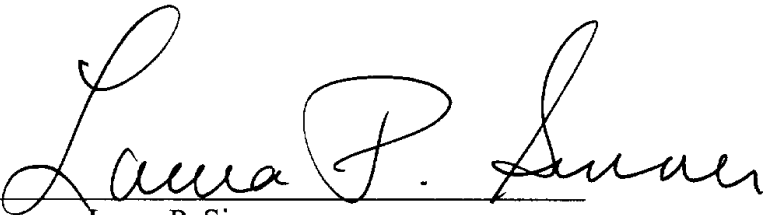
**CERTIFICATE OF SERVICE**

I, Laura P. Sinner, of the law firm Kaye Scholer LLP do hereby certify that on this 4th day of October, 2004, a copy of the foregoing "Petition for Leave to Accept Amendment to Comments" and "Amendment to Comments" was hand-delivered to the following:

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

and by first-class mail to the following:

John G. Holland, Esq.  
Latham & Watkins LLP  
555 - 11th Street, NW  
Suite 1100  
Washington, DC 20004

  
\_\_\_\_\_  
Laura P. Sinner